

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

UNITED STATES OF AMERICA,

Plaintiff

vs.

0.012 ACRES, MORE OR LESS,  
SITUATED IN LEXINGTON COUNTY,  
STATE OF SOUTH CAROLINA, AND  
CSS LAND LLC, et al.,

Defendants.

Case No. 3:23-cv-1733-SAL

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**MOTION TO DEPOSIT FUNDS**

Comes now the United States, Plaintiff herein, and respectfully requests an Order directing the Clerk of Court to accept for deposit into the Registry Bank Account of the United States District Court, District of South Carolina, the sum of Twelve Thousand and Five Hundred Dollars (\$12,500.00) tendered by the United States, which amount the Federal Aviation Administration believes to be just compensation for the property to be taken by eminent domain in this action. As reasons therefore, the United States advises as follows:

1. This is a condemnation action filed pursuant to 40 U.S.C. § 3114.
2. Rule 71.1(j)(1) of the Federal Rules of Civil Procedure requires the United States to deposit with the Court “any money required by law as a condition to the exercise of eminent domain and may make a deposit when allowed by statute.”
3. The Declaration of Taking Act, 40 U.S.C. §§ 3113 and 3114, states that title vests in the United States upon the filing of the Declaration of Taking and the deposit of the sum of estimated compensation into the Registry of the Court. Should the Clerk be unable to deposit the

funds into the Registry of the Court as soon as possible following the government's filing of this condemnation action, confusion as to the actual date of taking may result and create title problems as to when the government acquired the property. This could also cause confusion as to the date of valuation of such property interest.

4. The funds should be deposited into the Registry of the Court in an interest-bearing account, pursuant to Local Rule 67.01.

WHEREFORE, the United States respectfully requests that the Court order the Clerk of Court to accept the deposit of Twelve Thousand and Five Hundred Dollars (\$12,500.00) and deposit these funds in an interest-bearing account in the Court Registry pending further order of the Court.

Respectfully submitted,

ADAIR F. BOROUGHS  
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